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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,108	05/21/2007	Robert Friskney	64457/00154	9368
27220 7590 02/03/2011 BLAKE, CASSELS & GRAYDON, LLP 45 O'CONNOR ST., 20TH FLOOR OTTAWA, ON K1P 1A4 CANADA				
EXAMINER				
LEE, CHI HO A				
ART UNIT		PAPER NUMBER		
2472				
NOTIFICATION DATE		DELIVERY MODE		
02/03/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

karen.forgie@blakes.com

Office Action Summary

Application No.

10/593,108

Applicant(s)

FRISKNEY ET AL.

Examiner

Andrew Lee

Art Unit

2472

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 52, 53 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1-3,12-23,28,48-53,57-60,65,66,70-72,81-92,97,110-113,122-129,131-133,138,156-158,162-165,171 and 175.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 12-23, 28, 48-50, 57-60, 65-66, 70-72, 81-92, 97, 110-113, 122-129, 131-133, 138, 156-158, 162-165, 171, and 175 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al PG-PUB 2004/021323 in view Tanaka et al PG-PUB 2010/0290343.

Re Claims 1, 50, 70, 110, 111, 158, 162-165, 175, Marshall et al teaches in figure 14 a receiving packet (a first mapping...a first network address) wherein the packet is inherently associated with the addressing scheme of the network; further processing the packet includes identifying the VLAN ID (a first identifier) (Step 1420); mapping the being to a select an output port of the node [See 0063+]; wherein the VLAN ID (a qualifier) enables differential forwarding whereby establishing a connection for forwarding the packet (See figure 1). Marshall et al fails to explicitly teach "the first identifier is associated with the connection...being allocated to the connection such that it is unique at least among connections to or from the first network address that diverge at the intermediate node.". However Tanaka et al teaches a packet is tagged with an external VLAN ID, then the path selection manager 804 updates the packet by

overwriting the external VLAN ID in the packet with the ID of the selected internal VLAN. In effect, this maps the external VLAN and the multicast address to the internal VLAN. As part of this mapping, the path selection manager 804 records the external VLAN –multicast address-internal VLAN association. One skilled in the art would have been motivated with this association which enables the path selection manager 804 to perform the reverse mapping when a packet leaves the network 300 [0086].

Therefore, it would have been obvious to one ordinary skilled to have combined the teachings

Re Claims, 2, 3, 112, 113, refer to claim 1, wherein the packet includes destination/source address

Re Claim 20, refer to claim 1, See figure 1.

Re Claims 57-60, refer to claim 1, wherein the packet includes classification information.

Re Claims 71 and 72, refer to Claim 70, wherein the packet includes the source and destination addresses.

Re Claims 12, 81, 122, figure 1 teaches the Intermediate node 200 but fails to explicitly teach that 200 is an Ethernet switch. One skilled in the art would have been motivated to modify the 200 with the Ethernet switch to support Ethernet connectivity.

Re claims 13-19, 21-23, 82-92, 123-129, 131-133, Marshall et al teaches the identifier is a VLAN tag but fails to explicitly teach the identifier can be IEEE 802.1Q, MPLS label, DSCP, IPv6, Pseudo wire frame. One skilled in the art would have been motivated to use known protocol to supporting forwarding of the packet.

Re Claims 48, 49, 156, 157, Marshall et al fails to explicitly teach, "disabled on Ethernet switches of the network". However, one skilled in the art would have been motivated to disable the Ethernet switch when the forwarding address is not known.

Re Claims 65, 66, 170-171, Marshall et al teaches in figure 1, LAN 120 coupled to intermediate node 200. However, one skilled in the art would have motivated to interconnect multiple LANs through the 200. In so doing, figure 14 can be configured (forwarding data frames having the first network and first identifier) to support multiple LANs (at least two different ingress nodes) thereby supporting co-routing the connection at one or more nodes in the Internet 170.

Re Claims 28, 97, 138, the network can be partially mesh.

Allowable Subject Matter

3. Claim 51 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In combination with claims 50 and 51, prior art fails to teach first connection comprises associating the service instance identifier with the first connection.

4. Claims 52, 53 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3, 12-23, 28, 48-50, 57-60, 65-66, 70-72, 81-92, 97, 110-113, 122-129, 131-133, 138, 156-158, 162-165, 171, and 175 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Lee/
Primary Examiner, Art Unit 2472